

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

6

U.S.C.A. #

U.S.D.C. #

08-cv-4594

JUDGE:

KMW

DATE:

June 10, 2008

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME):

THOMAS R. PISARCZYK

FIRM:

U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK

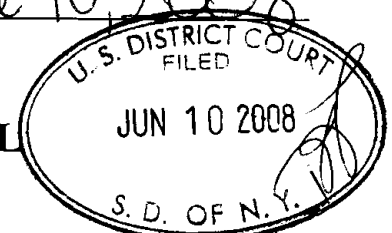
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

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CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 10th Day of June, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

U.S.C.A. # _____

U.S.D.C. # 08 cv 4594

JUDGE: KMW

DATE: June 10, 2008

Albery
 -v-
Bongiorno, et al

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

_____	_____
_____	_____
_____	_____
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_____	_____
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_____	_____

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 10th Day of June In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232ND year.

J. Michael McMahon, Clerk

By _____

[Signature]
 Deputy Clerk

APPEAL, CLOSED, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-04594-KMW
Internal Use Only

Albery v. Bongiorno et al
Assigned to: Judge Kimba M. Wood
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/19/2008
Date Terminated: 05/19/2008
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Date Filed	#	Docket Text
05/19/2008	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by John Albery.(jeh) (Entered: 05/30/2008)
05/19/2008	2	COMPLAINT against Michael E. Bongiorno, Chignard Noelizaire. Document filed by John Albery.(jeh) (Entered: 05/30/2008)
05/19/2008	3	Magistrate Judge Douglas F. Eaton is so designated. (jeh) (Entered: 05/30/2008)
05/19/2008	4	ORDER OF DISMISSAL; I grant plaintiff's request to proceed in forma pauperis but dismiss the complaint for the reasons set forth in this order. Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. 1915(a)(1), is dismissed complaint which were treated as a petition for habeas corpus relief makes no substantial showing of a denial of a constitutional right pursuant to 28 U.S.C. 1915(e)(2). I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 05/19/2008) (jeh) (Entered: 05/30/2008)
05/19/2008	5	JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2). Since I hold that the portions of the complaint which were treated as a petition for habeas corpus relief makes no substantial showing of a denial of constitutional right, a certificate of appealability will not issue. I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 05/19/2008) (jeh) (Entered: 05/30/2008)
05/30/2008	6	NOTICE OF APPEAL from 4 Judgment - Sua Sponte (Complaint), 3 Order Dismissing Complaint (I.F.P.). Document filed by John Albery. (tp) (Entered: 06/09/2008)
05/30/2008		Appeal Remark as to 5 Notice of Appeal filed by John Albery. \$455.00 APPEAL FEE DUE. IFP REVOKED 5/19/08. (tp) (Entered: 06/09/2008)
06/09/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 5 Notice of Appeal. (tp) (Entered: 06/09/2008)
06/09/2008		Transmission of Notice of Appeal to the District Judge re: 5 Notice of Appeal. (tp) (Entered: 06/09/2008)